

NHSLC - BUREAU OF ENFORCEMENT - AGENDA
FOR WEDNESDAY, JUNE 03, 2009

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, JUNE 3, 2009:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. WARNING LETTERS/FINES:

- a. American Legion Post 17, Route 3, Groveton, NH.
Veterans Club License #29539.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 179:5, - did sell alcohol to an intoxicated person.
Date of violation: March 8, 2009.
Case #: 09-196-OF.
Recommendation: A \$500 Administrative fine, four (4) points assessed to the liquor license, a three (3) day suspension held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar for the bartender who committed the violation.
- b. American Legion Post 79, 35 West Brook Street, Manchester, NH.
Veterans Club License #10539.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Cited for violation of RSA 647:2 - unlawful gambling.
Date of violation: February 1, 2009.
Case #: 09-98-OF.
Recommendation: **No! Pros.**

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- c. East Manchester Fish and Game, 50 Massabesic Street, Manchester, NH.
Social Club License #13201.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, II - did allow persons under 18 in a cocktail lounge, not accompanied by a parent, legal guardian or adult spouse.
Date of violation: February 2, 2009.
Case #: 09-142-OF.
Recommendation: Letter of Warning.
- d. Munce's Konvenience, 33 South Main Street, Plymouth, NH.
Combination License #3036447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold alcohol to a minor during a compliance check.
Date of violation: January 29, 2009.
Case #: 09-125-OF.
Recommendation: A \$750 Administrative fine with \$250 held in abeyance for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, a five (5) day suspension of the liquor license with two (2) days held in abeyance for twelve (12) months pending no like violation to commence June 10, 2009 with re-grant on June 12, 2009.
- e. Railroad Tavern, 82 Main Street, Keene, NH.
Restaurant Beverage, Wine and Liquor License #1202603.
Licensed under RSA 178:21, II (a)(1).
Cited for violation of RSA 179:5, - did sell alcohol to an intoxicated person.
Cited for violation of RSA 179:50, I - did allow a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Dates of violation: August 9 & 10, 2008.
Case #: 08-792-OF.
Recommendation: A settlement was reached for an Administrative fine of \$2,000, the license to sell alcohol to be suspended for ten (10) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing June 7, 2009 with re-grant on June 14, 2009, four (4) points to be assessed to the liquor license, all managers who were on duty at the time the violation occurred and who are currently employed by the Licensee will attend a Management Training Seminar (MTS) within thirty (30) days of adjudication, all servers who were on duty at the time the violation occurred will attend a Total Education in Alcohol Management (TEAM) seminar within sixty (60) days of adjudication, the Licensee will provide proof of existing liquor liability insurance within thirty (30) days of adjudication, a pending investigation concerning an incident that occurred between April 30, 2009 and May 2, 2009 shall not be considered with regard to the aforementioned suspension held in abeyance. The violation of RSA 179:50, II, allowing an intoxicated person to loiter on the premises, will be **~~No~~l** **Prossed**.
- f. Sunset Pizza Restaurant, 9 Simon Street, Nashua, NH.
Restaurant Full Service With Lounge License #1075503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:27, II - did serve or consume alcoholic beverages in areas not approved by the Commission.
Date of violation: March 11, 2009.
Case #: 09-189-OF.
Recommendation: A \$250 Administrative fine suspended for twelve (12) months pending no like violation.

7. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Fantasy Fine Wine Corporation, 328 Commercial Street, Boston, MA.
Direct Shipper License #991245.
Licensed under RSA 178:27.
Cited for violation of Liq. Rule 704.01 (b)(6)- did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: May 6, 2009.
Case #: 09-380-OF.
ADMINISTRATIVE FINE \$100 PAID.
- b. Izo Wine Company, 7990 Southwest Oviatt Drive, Beaverton, OR.
Direct Shipper License #8058733.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the March 2009 Direct Shipper Report by April 10, 2009.
Date of violation: May 1, 2009.
Case #: 09-349-OF.
ADMINISTRATIVE FINE \$100 PAID.
- c. Margaritaville, 78 Route 302, Bartlett, NH.
Restaurant Full Service With Lounge License #346403.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:51 - did fail to maintain an orderly premise.
Date of violation: May 9, 2009.
Case #: 09-433-OF.
ADMINISTRATIVE FINE \$250 PAID.
- d. Pedras Wine Company, 3379 Solano Avenue, Napa, CA.
Direct Shipper License #8135133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the March 2009 Direct Shipper Report by April 10, 2009.
Date of violation: May 1, 2009.
Case #: 09-353-OF.
ADMINISTRATIVE FINE \$100 PAID.
- e. Pellerin's Market, 741 Old Claremont Road, Charlestown, NH.
Combination License #3233647.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold alcohol to a minor during a compliance check.
Date of violation: April 21, 2009.
Case #: 09-330-OF.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- f. Quick Trip, 297 Union Avenue, Laconia, NH.
Combination License #3233647.
Licensed under RSA 178:18.
Cited for violation of RSA 179:32 - purchased supplies of liquor and wine from the Commission or as provided by law.
Date of violation: April 13, 2009.
Case #: 09-278-OF.
ADMINISTRATIVE FINE \$250 PAID.

- g. Rite Aid, 71-73 Pleasant Street, Claremont, NH.
Combination License #3094947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold alcohol to a minor during a compliance check.
Date of violation: April 21, 2009.
Case #: 09-319-OF.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- h. Waldo Pepper Inc., 1457 Lakeshore Road, Gilford, NH.
Restaurant Beverage and Wine License #1374003.
Licensed under RSA 178:20.
Cited for violation of Liq. Rule 704.01 (b)(6)- did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: April 29, 2009.
Case #: 09-347-OF.
ADMINISTRATIVE FINE \$100 PAID.

NON-CONTESTED TOBACCO VIOLATION FINES PAID IN FULL:

None

8. NEW LICENSES:

- a. Tara Acharya, DBA Sanu's Snacks and Convenience,
1000 Elm Street, Manchester, NH.
To be issued Combination Off-Premise Beverage/Wine and Tobacco License #3238447 pursuant to RSA 178:18.
Recommendation: Approval.
- b. Port Authority Café LLC,
12 Gilbo Avenue, Keene, NH.
To be issued Seasonal Restaurant On-Premise Beverage/Wine License #1383303 pursuant to RSA 178:20.
Recommendation: Approval.
- c. Service Consultants, Inc., DBA Stella's Fine Chocolates,
176 Route 101, Bedford, NH.
To be issued Retail Wine Off-Premise Wine Only License #3151946 pursuant to RSA 178:19.
Recommendation: Approval.

9. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Altamar Brands LLC,
2101 East Coast Highway Suite 250, Corona Del Mar, CA.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor License #996545 pursuant to RSA 178:9.
Recommendation: Approval.
- b. Benchmark Wine Group,
474 Technology Way, Napa, CA.
To be issued Direct Shipper License #8148233 pursuant to RSA 178:27.
Recommendation: Approval.
- c. Clarksburg Wine Company,
DBA Carvalho Family Wines,
35265 Willow Avenue, Clarksburg, CA.
To be issued Direct Shipper License #8148633 pursuant to RSA 178:27.
Recommendation: Approval.

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- d. Crush Wines LLC,
35 Mass Avenue, Laconia, NH.
To be issued Carrier Off-Premise Beverage/Wine/Liquor #749616 pursuant to RSA 178:14.
Recommendation: Approval.
- e. Stephen Dooley Wine Co., Inc.,
DBA Stephen Ross Wine Cellars/Stephen Dooley,
178 Suburban Road, San Luis Obispo, CA.
To be issued Direct Shipper License #8148533 pursuant to RSA 178:27.
Recommendation: Approval.
- f. John Hart Fine Wines, Ltd.,
DBA Hart Davis Hart Wine Company,
363 West Erie Street, Suite 500 W, Chicago, IL.
To be issued Direct Shipper License #8148433 pursuant to RSA 178:27.
Recommendation: Approval.
- g. JM Cellars, Inc.,
14404 137th Place NE, Woodinville, WA.
To be issued Direct Shipper License #8149033 pursuant to RSA 178:27.
Recommendation: Approval.
- h. Kramer Vineyards, Inc.,
26830 NW Olson Road, Gaston, OR.
To be issued Direct Shipper License #8149133 pursuant to RSA 178:27.
Recommendation: Approval.
- i. William Mosby,
DBA Mosby Winery,
9496 Santa Rosa Road, Buellton, CA.
To be issued Direct Shipper License #8148933 pursuant to RSA 178:27.
Recommendation: Approval.
- j. Sakayausa, Inc.,
660 Baker Street #405, Costa Mesa, CA.
To be issued Direct Shipper License #8149233 pursuant to RSA 178:27.
Recommendation: Approval.
- k. Salverstrin Wine Company LLC,
397 Main Street, Saint Helena, CA.
To be issued Direct Shipper License #8148833 pursuant to RSA 178:27.
Recommendation: Approval.
- l. Anne and Phillip Starr,
DBA Sierra Starr Vineyard & Winery,
11179 Gibson Drive, Grass Valley, CA.
To be issued Direct Shipper License #8148333 pursuant to RSA 178:27.
Recommendation: Approval.
- m. Venge Vineyards, Inc.,
4708 Silverado Trail, Calistoga, CA.
To be issued Direct Shipper License #8148733 pursuant to RSA 178:27.
Recommendation: Approval.
- n. Venn Imports LLC,
39 Langdon Street, Portsmouth, NH.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor License #997145 pursuant to RSA 178:9.
Recommendation: Approval.

- o. Venn Imports LLC,
39 Langdon Street, Portsmouth, NH.
To be issued Liquor/Wine Representative Off-Premise Wine/Liquor License
#603535 pursuant to RSA 178:10.
Recommendation: Approval.

10. REQUESTS FOR CANCELLATION OF PERMITS:

- a. Bellavino Wine Bar, 3709 East Thousand Oaks, Thousand Oaks, CA.
Direct Shipper Permit #8117933.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - failure to file the March 2009
Direct Shipper report by April 10, 2009.
Date of violation: May 1, 2009.
Case #: 09-350-OF.
Recommendation: Cancellation of direct shipper permit for failure to file
the reports for March and April, and failure to pay a \$100 Administrative
fine for not filing the March report by the 10th of April, 2009.
- b. BLM Wine & Spirits, 1354 Commonwealth Avenue, Allston, MA.
Direct Shipper Permit #8122433.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - failure to file the March 2009 Direct
Shipper report by April 10, 2009.
Date of violation: May 1, 2009.
Case #: 09-351-OF.
Recommendation: Cancellation of direct shipper permit for failure to file
the reports for March & April, and failure to pay a \$100 Administrative fine
for not filing the March report by the 10th of April, 2009.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Black Orchid Grille LLC,
8 Temple Street, Nashua, NH.
Restaurant-On Premise Beverage/Wine and Liquor License #1297703.
Licensed pursuant to RSA 178:21.
Requests approval for an outside patio area, to wit, an enclosed area
adjacent to the licensed premise appropriately sanctioned off pursuant to RSA
178:24 and Liq. 404.05.
Recommendation: Approval.
- b. Brames, Inc.,
DBA Patio Garden Restaurant,
21 Weeks Street, Weirs Beach, NH.
Restaurant-On Premise Cocktail Lounge License #935903.
Licensed pursuant to RSA 178:22.
Requests a waiver of RSA 178:21, II (a)(2) for Authorization for reduction of
hours, to wit, to reduce the hours of operation to less than five days a
week for the period as listed in the letter dated May 21, 2009.
Recommendation: Approval.

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- c. Candia Vineyards, Inc.,
702 High Street, Candia, NH.
Wine Manufacturer Off-Premise Wine Only License #561430.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit, Farmers Markets on the following dates and locations in Londonderry on Saturdays, June 6 through September 26, 2009 12:00 AM until 3:00 PM, in Northwood on Thursdays, June 4 through October 1, 2009 3:00 PM until 6:00 PM, in Tilton, on Wednesdays, June 24 through September 30, 2009 3:00 PM until 6:00 PM; Licensee will provide adequate security for product pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- d. Eeskay NH, Inc.,
DBA Boston Billiard Club,
55 Northeastern Boulevard, Nashua, NH.
Restaurant-On Premise Cocktail Lounge License #1351503.
Licensed pursuant to RSA 178:22.
Requests approval for an outside patio area, to wit, an enclosed area adjacent to the licensed premise appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- e. Floramo Enterprise LLC,
DBA Millie's Tavern on L Street,
17 L Street, Hampton, NH.
Restaurant-On Premise Cocktail Lounge License #1383403.
Licensed pursuant to RSA 178:22.
Requests approval for an outside patio area, to wit, an enclosed area adjacent to the licensed premise appropriately sanctioned off pursuant to RSA 178:24 and Liq 404.05.
Recommendation: Approval.
- f. Home Hill Country Inn LLC,
703 River Road, Plainfield, NH.
Hotel On-Premise Cocktail Lounge License #365502.
Licensed pursuant to RSA 178:22, V(k).
Requests approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers when they consume a full course meal.
Recommendation: Approval.
- g. Mojalaki Country Club LLC,
321 Propect Street, Franklin, NH.
Sports Recreation Facility On-Premise Cocktail Lounge License #6011905.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for an outside patio, to wit, an outside area appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05 and a Mobile Service
Bar on the fairways of the Golf Course pursuant to Liq. 404.05 and Liq. 509.01.
Recommendation: Approval.

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- h. 160 Main Street Holdings, Inc.,
DBA Mr. Pizza,
160 Main Street, Gorham, NH.
Restaurant-On Premise Cocktail Lounge License #1383003.
Licensed pursuant to RSA 178:22.
Requests approval for an outside patio area, to wit, an enclosed area
adjacent to the licensed premise appropriately sanctioned off pursuant to RSA
178:24 and Liq. 404.05.
Recommendation: Approval.
- i. Port Authority Café LLC,
12 Gilbo Avenue, Keene, NH.
Restaurant-On Premise Beverage and Wine License #1383303.
Licensed pursuant to RSA 178:20.
Requests approval for an outside patio area, to wit, an enclosed area
adjacent to the licensed premise appropriately sanctioned off pursuant to RSA
178:24 and Liq 404.05.
Recommendation: Approval.
- j. Portsmouth Brewery, Inc. (The),
56 Market Street, Portsmouth, NH.
Brew Pub On-Premise Cocktail Lounge License #2000715.
Licensed pursuant to RSA 178:13.
Requests approval for an outside patio area, to wit, an enclosed area
adjacent to the licensed premise appropriately sanctioned off pursuant to RSA
178:24 and Liq. 404.05.
Recommendation: Approval.
- k. Rite Aid of New Hampshire, Inc..
DBA Rite Aid #3304,
75 Portsmouth Avenue, Exeter, NH.
Combination Off-Premise Beverage and Wine License #892147.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer business location,
to wit, from 75 Portsmouth Avenue, Unit 11, Exeter, NH to the new location at
75 Portsmouth Avenue, Unit 1, Exeter, NH to be completed on or about
May 21, 2009 pursuant to RSA 178:29, VIII.
Recommendation: Approval.
- l. Tim's Café & Lounge LLC, Element Lounge,
1055 Elm Street, Manchester, NH.
Restaurant-On Premise Cocktail Lounge License #1317103.
Licensed pursuant to RSA 178:22.
Requests approval for an outside patio area, to wit, an enclosed area
adjacent to the licensed premise appropriately sanctioned off pursuant to RSA
178:24 and Liq. 404.05.
Recommendation: Approval.
- m. Roger and Lavina Maykut,
DBA North Country Orchard,
35 Stickney's Road, Whitefield, NH.
Wine Manufacturer Off-Premise Wine Only License #561630.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit, Hanover Farmers'
Market, Hanover, NH on Wednesdays, June 3, 2009 through September 30, 2009
from 3:00 PM until 6:00 PM. Licensee will provide adequate security for
product pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

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- n. Roger and Lavina Maykut,
DBA North Country Orchard,
35 Stickney's Road, Whitefield, NH.
Wine Manufacturer Off-Premise Wine Only License #561630.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit, Lancaster Farmers' Market, Centennial Park, Main Street, Lancaster, NH on Saturdays from June 6, 2009 through the season, from 9:00 AM until 12:00 PM.
Licensee will provide adequate security for product pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- o. Sawaya Entertainment, Inc.,
DBA Strange Brew Tavern,
88 Market Street, Manchester, NH.
Restaurant-On Premise Cocktail Lounge License #1094903.
Licensed pursuant to RSA 178:22.
Requests approval for an outside alley area, to wit, an enclosed area adjacent to the licensed premise appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- p. Sawaya Entertainment, Inc.,
DBA Strange Brew Tavern,
88 Market Street, Manchester, NH.
Restaurant-On Premise Cocktail Lounge License #1094903.
Licensed pursuant to RSA 178:22.
Requests approval for another area to wit, inside the premise, on the third floor with a seating capacity of 77, pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- q. Village Trestle LLC (The),
25 Main Street, Goffstown, NH.
Restaurant-On Premise Beverage/Wine and Liquor License #1177303.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an enclosed, tented area in the parking lot adjacent to the licensed premise appropriately sanctioned off on June 6, 2009 from 5:00 PM until 10:00 PM pursuant to RSA 178:24 and Liq 404.05.
Recommendation: Approval.

12. **COMMISSION DECISIONS PENDING:**

None

13. COMMISSION DECISIONS AFTER HEARING:

- a. Chen Yang Li, 520 South Street, Bow, NH.
Restaurant Full Service With Lounge License #1233303.
Licensed under RSA 178:21, II (a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:50, I - did allow a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Date of violations: August 13, 2008.
Case #: 08-581-OF.
Hearing date: April 7, 2009.
ON MAY 20, 2009 THE COMMISSION ORDERED AN ADMINISTRATIVE FINE OF \$1,500, FOUR (4) POINTS ASSESSED TO THE LICENSE, THE LICENSE TO SELL ALCOHOL IN THE COCKTAIL LOUNGE ONLY SUSPENDED FOR FIFTEEN (15) DAYS, A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR FOR ALL MANAGERS AND SERVERS REGARDLESS OF PAST ATTENDANCE, AND PROOF OF LIQUOR LIABILITY INSURANCE IN AN AMOUNT OF NOT LESS THAN \$300,000 WITHIN FIFTEEN (15) DAYS; THE BUREAU OF ENFORCEMENT HAS THIRTY (30) DAYS FROM THE DATE OF THIS DECISION TO FILE ITS APPEAL WITH THE COMMISSION.

14. MISCELLANEOUS ITEMS:

None

15. EXECUTIVE SESSION ITEMS:

None